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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF  
MICHELLE YANG IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL ITS  
OPPOSITION TO WAYMO LETTER  
BRIEF RE OUTSTANDING  
DISCOVERY ITEMS**

I, Michelle Yang, declare as follows:

1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendants' Administrative Motion to File Under Seal Its Letter Brief in Opposition to Defendant Waymo LLC's Motion to Compel ("Letter") and the accompanying exhibits to the Declaration of Esther Chang ("Chang Decl.").

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Chang Decl. Ex. B	Highlighted Portions	Defendants
Chang Decl. Ex. E	Entirety	Defendants
Chang Decl. Ex. G	Entirety	Plaintiff
Chang Decl. Ex. H	Entirety	Plaintiff
Chang Decl. Ex. I	Highlighted Portions	Defendants
Chang Decl. Ex. J	Highlighted Portions	Defendants
Chang Decl. Ex. K	Highlighted Portions	Defendants
Chang Decl. Ex. L	Entirety	Third Party
Chang Decl. Ex. M	Highlighted Portions	Defendants
Chang Decl. Ex. N	Highlighted Portions	Defendants
Chang Decl. Ex. O	Highlighted Portions	Defendants

3. The blue-highlighted portions of Exhibit B, the entirety of Exhibit E, and the highlighted portions of Exhibit I discuss confidential information relating to certain confidential proceedings between Uber and certain former employees, which should be maintained as confidential subject to agreements between parties to those proceedings.

4. The blue-highlighted portions of Exhibits J, K, and O contain confidential

1 information contained in the sealed portions of Exhibit B to the Court's November 29, 2017  
2 Order (Dkt. 2307-2), for which the Court has already granted sealing with respect to the green-  
3 highlighted portions of that document. (Dkt. 2307 at 2.) The Court's December 13, 2017 Order  
4 granted additional redactions to Exhibit A to the Boersch Declaration (Dkt. 2382), which are also  
5 reflected in the public re-filing of Dkt. 2307-2. (Dkt. 2401-1.) Exhibits J, K, and O contain  
6 information that implicates the safety, privacy, and reputational interests of former and current  
7 Uber employees and vendors, as well as various third party individuals and entities. Defendants  
8 support sealing of the redacted portions in Dkt. 2307-2 and Dkt. 2401-1.

9         5. In addition, the highlighted portions of Exhibits J, K, and O contain the contact  
10 information of current and former employee, including personal contact information. Uber  
11 requests this contact information be kept confidential in order to preserve the privacy of current  
12 and former employees of a company that is the subject of extensive media coverage, and to  
13 protect these individuals from harm or harassment.

14         6. The highlighted portions of Exhibit M contain references to a confidential third  
15 party vendor Uber used to conduct open-source research. Defendants request this information be  
16 sealed to protect this confidential business relationship from disclosure and this third party vendor  
17 from possible harassment.

18         7. The highlighted portions of Exhibits M and N also contain references to an Uber  
19 employee's draft internal document on potential objectives considered by the employee for  
20 competitor research. This information has been maintained as highly confidential. Disclosure of  
21 this information could allow competitors to understand potential research objectives and options  
22 considered by an employee, indicating specific information that Uber does and does not have  
23 about the self-driving industry, such that Uber's competitive standing could be significantly  
24 harmed.

25         8. The green-highlighted portions of Exhibits G and H contain information that has  
26 been designated "Highly Confidential – Attorneys' Eyes Only" or "Confidential" by Waymo in  
27 accordance with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"),  
28 which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6).

1 Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective  
2 Order.

3 9. The entirety of Exhibit L contains the deposition transcript of a third party.  
4 Defendants file this document under seal to allow the third party to file a sealing declaration, if  
5 needed.

6 10. Defendants' request is narrowly tailored to portions that merit sealing.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th  
8 day of January, 2018 at Washington, District of Columbia.

9  
10 /s/ Michelle Yang

Michelle Yang

**ATTESTATION OF E-FILED SIGNATURE**

I, Arturo J. Gonzalez, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Michelle Yang has concurred in this filing.

Dated: January 4, 2018

/s/ Arturo J. González

ARTURO J. GONZÁLEZ